

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Appln. No. 09/996,789
Attorney Docket No.: Q66130

REMARKS

Prosecution on the merits is closed. The application is in condition for allowance except for a few formal matters. This response is to correct minor informalities contained in the application. No new matter is being added.

Objections to the Specification

The Examiner objected to the specification for indicating that the provisional application 60/317,181 is copending. Applicant deletes the term “copending” to cure this minor informality noted by the Examiner.

In addition, the Examiner objected to the Specification for failing to provide proper antecedent basis for the phrase “surge function pattern”. Applicant amends the second full paragraph on page 15 of the specification to provide the proper antecedent basis for the unique features in claim 54.

No new matter is being added. In view of these self-explanatory amendments, Applicant respectfully requests the Examiner to withdraw these objections to the specification.

Objections to the Claims

Claims 1, 2, 17-21 and 36-54 have been examined and allowed. By this Amendment, Applicant cancels the withdrawn claims 3-16 and 22-35. Applicant reserves the right to file a Divisional Application drawn to the non-elected claims 3-16 and 22-35.

Claims 18, 37-39, 45, and 54 are objected to under 37 C.F.R. § 1.75(a) for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Applicant thanks the Examiner for pointing out with particularity the aspects of the claims thought to contain these minor errors.

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Applicant has editorially revised the claims, and respectfully submits that the claims as now presented no longer include the potential informalities mentioned by the Examiner. Applicant therefore respectfully requests the Examiner to withdraw the objections to the claims 18, 37-39, 45, and 54.


The amendments to claims 18, 37-39, 45, and 54 were made for reasons of precision of language and consistency, and do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 18, 37-39, 45, and 54 were not made for reasons of patentability.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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